

**RESOLUTION 24-20
THE TOWN OF FOREST HEIGHTS**

A RESOLUTION FURTHER MODIFYING THE MAYOR'S EMERGENCY ORDER DATED APRIL 5, 2020, AS RATIFIED AND EXTENDED IN DURATION BY THE COUNCIL THROUGH RESOLUTION 23-20 AND TO HEREBY INCREASE THE COMPENSATION FOR CERTAIN ESSENTIAL TOWN EMPLOYEES DEPLOYED DURING THE DECLARED COVID-19 EMERGENCY

Introduced By: Councilwoman Taunya Hines

WHEREAS, the Governor, as of March 5, 2020 and thereafter, has issued orders initially declaring a state of emergency and catastrophic health emergency for the epidemic known as COVID-19; and

WHEREAS, the Mayor of the Town of Forest Heights, as of April 5, 2020 issued a proclamation initially declaring the existence of a local emergency thereby requiring the public to observe certain social distancing behaviors and closing the town offices and the municipal building to the public except for essential police operations, and ordering most of the remaining staff to telework; and

WHEREAS, the Town Council on May 4, 2020 approved a resolution extending the Mayor's Local Emergency Order beyond 30 days and throughout the same duration as the Governor's State-declared health emergency or until such time as the Mayor or the Council sees fit to terminate said order; and

WHEREAS, Section 2.9 of the Town Code, as amended, authorizes the Mayor to issue orders lasting for up to 30 days modifying employee salaries and designating certain essential employees for a given emergency, including allowing for both retroactive and prospective adjustments to employee compensation provided that a state or local emergency has been declared and in effect during any modification period, and further for the hiring of any additional employees as deemed necessary for the purpose of meeting the emergency; and

WHEREAS, Subsection 2.9.B of the Town Code, authorizes the Town Council by resolution to modify or reject an emergency order of the Mayor, and if the Council modifies or rejects the order, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of the order; and

WHEREAS, Section 7.140 of the Employee Handbook states that if an emergency arises that threatens life or property, the Town Administrator and the Mayor may, without complying with the provisions of the personnel rules concerning regular employment, employ such persons as are necessary to meet the emergency and that these employees are temporary subject to the approval of the Council regarding the specified time they will work; and

WHEREAS, the Town of Forest Heights Continuity of Operations (COOP) Plan describes essential functions as processes or functions which should not be interrupted or unavailable for several days without significantly jeopardizing operations, and that each essential function has associated key personnel who are necessary to ensure continuity of operations, and that without these personnel, the departments will not be able to perform their essential functions or meet citizen or employee needs, and that these personnel are necessary to carry out the department's essential functions and fulfill the Town's mission; and

WHEREAS, on May 6, 2020, the County Executive wrote the Mayor stating that under the United States Department of Treasury, Coronavirus Aid, Relief, and Economic Security (CARES) Act, Prince George's County, Maryland, received a direct allocation from the Coronavirus Relief Fund (CRF) to cover necessary expenditures directly related to the Coronavirus Disease 2019 (COVID-19), and that the County will allocate \$15 million of its CRF funding to its 27 municipalities on a per capita basis and that the Town's share would be \$157,000; and

WHEREAS, the Town Council from time to time may adopt an employee salary compensation plan.

NOW THEREFORE BE IT RESOLVED, that the Town Council approves and authorizes the following special compensation or hazardous duty pay to be paid retroactively and proactively commencing as of March 17, 2020, and paid throughout the duration of the declared local civil emergency to designated essential employees until such time as the Mayor terminates the emergency period as subject to subsequent review and approval or unilateral termination by the Council:

- (1) **PUBLIC WORKS AND PUBLIC SAFETY (Retro Pay)**. For the period of March 17, 2020 through May 16, 2020 the public works and public safety employee positions whose compensation are eligible for reimbursement under the CARES Act, as listed on Exhibit 1, attached hereto and incorporated by reference herein, shall receive retroactive (additional) hazardous duty pay of \$2.00 per hour worked or the equivalent for exempt employees to be paid by separate check.
- (2) **ADMINISTRATIVE (Retro Pay)**. For the period of March 17, 2020 through May 16, 2020 the administrative employee positions whose compensation are not eligible for reimbursement under the CARES Act, as listed on Exhibit 1, attached hereto and incorporated by reference herein, shall receive retroactive (additional) hazardous duty pay of \$2.00 per hour worked or the equivalent for exempt employees to be paid by separate check.
- (3) **PUBLIC WORKS AND PUBLIC SAFETY (Future Pay)**. For the duration of the declared emergency, the public works and public safety employee positions whose compensation are eligible for reimbursement under the CARES Act, as listed on Exhibit 2, attached hereto and incorporated by reference herein, shall receive

retroactive (additional) hazardous duty pay of \$2.00 per hour worked or the equivalent for exempt employees.

- (4) ADMINISTRATIVE (Future Pay). For the duration of the declared emergency, the administrative employee positions whose compensation are not eligible for reimbursement under the CARES Act, as listed on Exhibit 2, attached hereto and incorporated by reference herein, shall receive retroactive (additional) hazardous duty pay of \$2.00 per hour worked or the equivalent for exempt employees.

AND BE IT FURTHER RESOLVED that this Resolution shall authorize the transfer of funds within the FY 2020 Budget (detailed line item) in the following manner:

- (1) Transfer funds in the amount of \$1,000 from line item 7132 (Vehicle Repair) to new line item 7271 (Hazardous Duty Pay - Admin.);
- (2) Transfer funds in the amount of \$3,500 from line item (7087 Salary - Part-time Crewman) to new line item 7272 (Hazardous Duty Pay - PW); and
- (3) Transfer funds in the amount of \$14,400 from line item 7201 (Debt Service - Police Vehicles) to new line item 7273 (Hazardous Duty Pay - Public Safety).

AND BE IT FURTHER RESOLVED that the Mayor is authorized to sign this Resolution on behalf of the Council; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

PASSED this 11th day of May 2020.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

Absent

KENNEDY II

Yea

NOBLE

Nay

BARNES

Yea

HINES

Yea

WASHINGTON

Yea

ATKINSON

Absent

The Town of Forest Heights

Resolution 24-20

Page 3

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

SIGNATURE ON FILE

By: Habeeb-Ullah Muhammad, Mayor

SIGNATURE ON FILE

By: Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 7th day of May 2020 with 24 Aye votes and 1 Nay votes the aforesaid Resolution 2420 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk